

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H1/19/17 S2/16/17
A Bill

HOUSE BILL 1172

By: Representatives Tosh, Drown, Ballinger, Baltz, Barker, Beck, Bentley, Bragg, Brown, Coleman, Collins, Davis, Dotson, C. Douglas, Eaves, K. Ferguson, Fielding, C. Fite, L. Fite, Gates, Gazaway, M. Gray, Hammer, Henderson, Hillman, G. Hodges, Holcomb, Hollowell, House, Ladyman, Lemons, Lundstrum, G. McGill, Nicks, Payton, Petty, Richmond, Rushing, Rye, B. Smith, Speaks, Sturch, Sullivan, Wardlaw

By: Senators G. Stubblefield, B. Johnson

For An Act To Be Entitled

AN ACT CREATING A SENTENCE ENHANCEMENT FOR CERTAIN CRIMINAL OFFENSES TARGETING A CURRENT OR FORMER LAW ENFORCEMENT OFFICER, FIRST RESPONDER, OR A FAMILY MEMBER OF A CURRENT OR FORMER LAW ENFORCEMENT OFFICER OR FIRST RESPONDER; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

CREATING A SENTENCE ENHANCEMENT FOR CERTAIN CRIMINAL OFFENSES TARGETING A CURRENT OR FORMER LAW ENFORCEMENT OFFICER, FIRST RESPONDER, OR HIS OR HER FAMILY; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative intent.

(a) The General Assembly finds that there are a number of criminal offenses that have heightened or enhanced sentences when the victim is a law enforcement officer or first responder as opposed to if the victim of a similar criminal offense were just a member of the public at large.

(b) The sentence enhancement under Section 3 of this act is not



intended to apply to criminal offenses against a law enforcement officer or first responder when the criminal offenses already provide for a heightened or enhanced sentence because the victim is a law enforcement officer or first responder.

(c) Therefore, it is the intent of the General Assembly that subsection (d) of Section 3 of this act prohibits a sentence enhancement under Section 3 of this act when the victim of the criminal offense is a law enforcement officer or first responder and the criminal offense for which the defendant was charged could only be committed against a law enforcement officer or first responder.

SECTION 2. Arkansas Code § 5-4-701, concerning definitions, is amended to add additional subdivisions to read as follows:

(3) "Family member of a current or former law enforcement officer or first responder" means the husband, wife, son, daughter, brother, sister, or parent of a current or former law enforcement officer or first responder;

(4) "First responder" means a firefighter or a person employed as an emergency medical provider; and

(5) "Law enforcement officer" includes without limitation a:

(A) Prosecuting attorney or a deputy prosecuting attorney;

(B) Code enforcement officer; and

(C) Corrections officer.

SECTION 3. Arkansas Code Title 5, Chapter 4, Subchapter 7, is amended to add an additional section to read as follows:

5-4-704. Sentence enhancement for offense targeting current or former law enforcement officer, first responder, or family member of current or former law enforcement officer or first responder.

(a) A person is subject to an enhanced sentence under this section if the person purposely selected the victim of an offense committed by the person because the victim is:

(1) Currently employed or was formerly employed as a law enforcement officer or first responder; or

(2) A family member of a current or former law enforcement officer or first responder.

(b) If a sentence enhancement is sought under this section, the information or indictment shall include:

(1) That the sentence enhancement under this section is being sought; and

(2) The allegations supporting the imposition of the enhanced sentence under this section.

(c) The sentence enhancement under this section is as follows:

(1) If the person is convicted of a Class A misdemeanor or an unclassified misdemeanor with a possible sentence greater than ninety (90) days' imprisonment, an additional period of imprisonment of not more than one (1) year;

(2) If the person is convicted of a Class C felony, Class D felony, or an unclassified felony, an additional period of imprisonment of at least six (6) months but no more than two (2) years; and

(3) If the person is convicted of a Class Y felony, Class A felony, or Class B felony, an additional period of imprisonment of at least two (2) years but no more than ten (10) years.

(d) The sentence enhancement under this section is not applicable if:

(1) The victim of the offense is a law enforcement officer or first responder; and

(2) An element of the underlying offense is that the victim is a law enforcement officer or first responder.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that current and former law enforcement officers, first responders, and their family members are oftentimes specifically targeted for a criminal offense based on who they are and the dangerous and necessary job that law enforcement officers and first responders do; that persons who commit offenses targeted at current and former law enforcement officers, first responders, or their family members should be sentenced more harshly than is currently provided for in the law; and that this act is immediately necessary because a message needs to be sent that the State of Arkansas does not condone the targeting of current and former law enforcement officers, first responders, or their family members for criminal activity. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace,

health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Tosh